

Application No. 10/706,746
Amendment dated February 10, 2006
After Final Office Action of November 10, 2005

Docket No.: 30140/10000A

REMARKS

The courteous telephone conference granted by Examiner Fox to applicant's undersigned attorney on February 10, 2006 is hereby acknowledged with appreciation.

It is submitted that the amendments made to the claims do not present new issues, but merely simplify the claims and reduce issues and, therefore, should be considered after Final Rejection. The remaining claims are based on claims 4, 5 and 16 (the feature of claim 4 has been inserted into claim 1) and, therefore, only the rejection of claims 4, 5 and 16 under 35 U.S.C. §103(a) will be discussed herein.

As discussed by telephone on February 10, 2006, the Dykhoff et al. U.S. Patent No. 6,521,834 teaches fireproofing an electrical box by either providing an intumescent coating on the outside of the box; providing an intumescent on the inside of the **back surface** of the box (Background of the Invention) or providing the intumescent coating on the inside face of the face plate assembly that covers the electrical box. The '834 patent at col. 1, lines 33-36, teaches that providing the intumescent coating on the inside of the back surface of the box has certain drawbacks and disadvantages, most notably, that the intumescent compound must be installed by a licensed electrician.

Other prior art, *e.g.*, the Tricca U.S. Patent No. 4,293,173 also teaches providing a thermal insulating material on the back of a face plate over an electrical box. And, similarly, the Slosberg et al. U.S. Patent No. 4,447,484 teaches a flame resistant vinyl foam gasket material on cover plates for electrical outlets and switch boxes. It should be noted that no prior art of record teaches coating all inside surfaces of an electrical box with a fire resistant coating material as set forth in all of Applicant's remaining claims.

It is suggested in the final rejection that it would have been obvious to coat all inside surfaces of the electrical box with a fire-resistant coating material for redundancy. However, there is no suggestion or motivation in any of the prior art that would lead one skilled in this art to coat all inside surfaces of an electrical box, with a fire resistant coating material.

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Those skilled in this art have concentrated on providing a fire-resistant coating on the interior surface of a face plate placed over receptacles of the electrical outlets and sealing the slots of the receptacles, as disclosed in the Dykhoff et al. '834 patent.

The only suggestion for coating any interior surface of an electrical box is set forth in the Dykhoff et al. '834 patent and only for coating the inside of the **back surface** of the box. Even the coating of the **back surface** of the box is discouraged since, as recognized at Dykhoff et al. '834 at col. 1, lines 32-34, the coating of a single inside surface of an electrical box "has certain drawbacks and disadvantages" thereby teaching away from coating more than the **back surface** of the inside of an electrical box.

In view of this teaching away, set forth in the Dykhoff et al. '834 patent, it is submitted that it would not have been obvious for one of ordinary skill in the art to add to these "drawbacks" by coating all inside surfaces of the electrical box, as now set forth in all of applicant's remaining claims.

For the above reasons, it is submitted that all remaining claims 1-3, 5, 6, 8, 10 and 13 clearly distinguish over the prior art of record. It is submitted that all claims are of now proper form and scope for allowance. Early and favorable consideration is respectfully requested.

Dated: February 10, 2006

Respectfully submitted,

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Amendment in Response to Non-Final Office Action (3 pages)